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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,854	05/13/2005	William C Hall	3002/2US	9114
23638 7590 03/23/2009 ADAMS INTELLECTUAL PROPERTY LAW, P.A. Suite 2350 Charlotte Plaza 201 South College Street CHARLOTTE, NC 28244				
EXAMINER				
DEUBLE, MARK A				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
03/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,854

Applicant(s)

HALL, WILLIAM C

Examiner

MARK A. DEUBLE

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-7 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 2 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The recitation of claim 6 that "the retainer aperture of comprises a single opening in the inner wall adapted for receiving the first and second link pins" does nothing to narrow claim 1 because claim 1 already recites "a retainer aperture for capturing and retaining respective enlarged heads of the first and second link pins..." Because claim 1 already requires a single aperture for capturing and retaining both first and second link pins, the recitation of a single aperture in claim 6 does not further limit the claim.
2. Claim 19 includes a recitation of "A method according to claim 15..." at the end thereof. It appears that this recitation should be presented as an independent claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 2 and 8-14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the spacer wall" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 states that "the inner wall comprises first and second inner wall segments carried by respective first and second spacer wall segments, the first and second inner wall segments being mutually opposed in a single plane and defining therebetween the retainer aperture for receiving the link pins therethrough..." However, it appears from the specification that the embodiments with first and second inner wall segments, as in Figs. 9A-B, don't define an aperture therebetween, but instead merely form the border the middle of the claimed link. This conflict between the claim and the specification renders the scope of the claim impossible to ascertain.

It is recommended by the examiner that this claim be rewritten to depend from a new independent base claim reciting "a retainer slot" rather than a single retainer aperture and that the term "retainer aperture" in claim 8 be replaced with the term "retainer slot". The applicant may wish to do this in a continuing application as the new claims may provide the basis for making a requirement for restriction or election of species.

Claims 10-13 all state that "the retainer aperture comprises first and second, opposed outwardly facing recesses..." This conflicts with the language of claim 1 requiring "a retainer aperture for capturing and retaining respective enlarged heads of the first and second link pins..." because it is unclear how the single aperture of claim 1 can be formed by the two outwardly facing recesses of claims 10-13. These recesses form two different apertures, not a single aperture as required by the claim.

It is recommended by the examiner that these claims be rewritten to depend from a new independent base claim reciting "a pair of retainer apertures" rather than a single retainer

aperture. The applicant may wish to do this in a continuing application as the new claims may provide the basis for making a requirement for restriction or election of species.

Allowable Subject Matter

5. Claims 1, 3-7 and 15-20 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. DEUBLE whose telephone number is (571)272-6912. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A. Deuble/
Primary Examiner
Art Unit 3651

md